

NOV 29 2004

**JENKINS, WILSON & TAYLOR, P.A.****PATENT ATTORNEYS**

SUITE 1400 UNIVERSITY TOWER  
3100 TOWER BOULEVARD  
DURHAM, NORTH CAROLINA 27707  
TELEPHONE: (919) 493-8000  
FACSIMILE: (919) 419-0383

WEBSITE: WWW.JENKINSWILSONTAYLOR.COM

**DATE:** November 29, 2004

**TO:** USPTO

**FAX NO.:** (703) 872-9306

**FROM:** Arles A. Taylor, Jr. (aat)

**RE:** Serial No. 09/974,703; Our Ref. No. 1242/39/2

NUMBER OF PAGES TO FOLLOW: 5

If transmission is poor, or if you do not receive all pages, please  
call (919) 493-8000 as soon as possible.

**COMMENTS:** Attached please find a Notice of Appeal in duplicate for the above-referenced U.S. patent application. If you have any questions, please do not hesitate to contact us. Best regards.

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NOV 29 2004

Practitioner's Docket No. 1242/39/2

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vaughan

Group Art Unit: 1654

Serial No.: 09/974,703

Examiner: Patten, P.

Filed: October 10, 2001

Docket No.: 1242/39/2

Confirmation No.: 7969

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 27, 2004, finally rejecting the pending Claims.

## 1. STATUS OF APPLICANT

This application is on behalf of a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

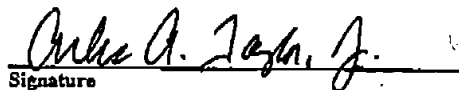
37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date: 11-29-2004  
SignatureArles A. Taylor, Jr.  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

Small entity \$170.00

Notice of Appeal fee due \$170.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee \$490.00

If an additional extension of time is required, please consider this a petition therefor. Additionally, since the final response deadline of November 27, 2004 fell on a Saturday, the deadline automatically rolls to Monday, November 29, 2004.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$170.00

Extension fee \$490.00

**TOTAL FEE DUE \$660.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$660.00 to Deposit Account No. 50-0426.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

Date:

11-29-2004

1242/39/2 AAT/aat

Customer No.: 25297

Arles A. Taylor, Jr.

Signature of Practitioner

Arles A. Taylor, Jr.

Registration No.: 39,395